

Attorney's Docket No.: 10406-006003

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Number of pages including this page 3 pages

Applicant : Norman J. MacDonald III et al.
Serial No. : 10/807,817
Filed : March 24, 2004Art Unit : 3752
Examiner : Steven J. Gainey

Title : Fire Protection Sprinkler Head Support

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is the Terminal Disclaimer by Assignee, faxed this 20 day of December, 2005, to the United States Patent and Trademark Office.

Respectfully submitted,

Frank R. Occhiuti
Reg. No. 35,306

Date: December 20, 2005

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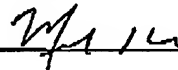
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December 20, 2005
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TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), PNM, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 015873, Frame 0983 on March 10, 2005, or a copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of *U.S. Patent No. 6,752,218*, whereby the patent granted on this application and *6,752,218* will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with *6,752,218*.

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Page : 2 of 2

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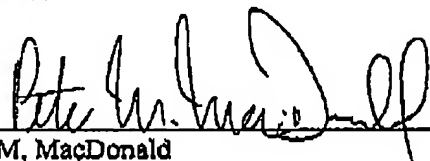
The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of 6,752,218 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of 6,752,218.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket Number 10406-006003.

PNM, INC.

Date: 12/20/05
Peter M. MacDonaldTitle: Vice President

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